IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

W.P.Nos.19280 and 17346 of 2004

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WRIT PETITION NO : 19280 of 2004

Between:

P. Vijaya Kumari, W/o Raju,
Ramanalavaripalem, Tallur Mandal, Prakasam District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Kandukuru, Prakasam

District.
2 The Mandal Revenue Officer, Tallur, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not releasing the essential commodities to the petitioner as arbitrary, illegal, discriminatory and violative of Articles 14 and 21 of the constitution of India, and consequently direct the respondents to continue the supply of essential commodities to the petitioner.

WRIT PETITION NO : 17346 of 2004

Between:

P.Vijaya Kumari, W/o.Raju,

F.P.Shop Dealer, Ramanala Vari palem, Tallur Mandal,
Prakasam Dist.

..... PETITIONER

AND

1 The Revenue Divisional officer, Kandukuru, Prakasam Dist.
2 The Mandal Revenue Officer, Tallur, Tallur Mandal,

Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, particularly one in the nature of writ of Mandamus, declaring the order of the 1st respondent in L.Dis. No.2326/2004, dated 13-9-2004 as arbitrary, illegal, discriminatory, violatiave of the principles of natural justice and Article 21 of the constitution of India, and contrary to the spirit of the A.P. scheduled commodities (Regulation of Distribution by card system) order, 1973, and consequently set-aside the same, and direct the respondents to continue the petitioner's F.P. shop licence.

Counsel for the Petitioner: MR.KASAJAGANMOHAN REDDY

Counsel for the Respondents: GP FOR REVENUE (Civil Supplies)

The Court at the admission stage made the following :

COMMON ORDER:

The petitioner was appointed as a temporary Dealer of the Fair Price Shop of Ramanalavaripalem Village, Tallur Mandal, Prakasam Dsitrict.

The 1st respondent passed an order, dated 13.09.2004, directing the 2nd respondent not to allot essential commodities to the petitioner on the allegation that she was not distributing the commodities properly. W.P.No.17346 of 2004 is filed challenging the same.

This Court passed an interim order on 24.09.2004, directing that the 2nd respondent shall release the essential commodities to the petitioner, if she holds a valid authorization and the same is subsisting. Complaining that the essential

commodities are not being supplied despite such orders, she filed W.P.No.19280 of 2004, seeking appropriate directions.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

A perusal of the order, dated 13.09.2004, discloses that the 1st respondent directed the 2nd respondent not to allot any essential commodities on the ground that the petitioner was not distributing them properly. If the authorization, be it temporary or permanent, is subsisting, the respondents cannot refuse to supply the essential commodities. Such a course of action would amount to disregarding a valid authorization. If a particular Dealer is found to be resorting to any irregularities, the respondents are vested with the power to take appropriate action. Till such an action is taken, the supplies cannot be discontinued.

Hence, these writ petitions are disposed of directing that as long as the petitioner holds a valid authorization in her favour, the 2n d respondent shall supply the essential commodities to her. There shall be no order as to costs.

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15.12.2004

Note: Issue C.C. in two days

(B/o)

Jsu

To

1 The Revenue Divisional officer, Kandukuru, Prakasam Dist.
2 The Mandal Revenue Officer, Tallur, Tallur Mandal,

Prakasam District.

3 2CCs to the G.P. for Revenue, High Court Buildings,

Hyderabad. (O.U.T)

4 2 CD copies.